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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOHN VAN STEENIS, individually,

Plaintiff,

v.

RICKY C. KENDRICK, individually, et al.,

Defendants.

Case No. 2:22-cv-00863-MMD-EJY

STIPULATION AND ORDER

The parties stipulate to the following:

1. To withdraw the pending motion to dismiss, ECF No. 11;
2. To substitute out defendants Ricky C. Kendrick and the United States Postal Service and to substitute in the United States of America as the sole defendant;
3. To change the caption to include the United States of American as the sole defendant;
4. To dismiss plaintiff's claim for negligent entrustment;
5. To dismiss plaintiff's claim for respondeat superior;
6. To allow plaintiff 30 days from entry of this stipulation and order to file an amended complaint to properly plead administrative exhaustion pursuant to 28 U.S.C. 2675(a); and

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1 7. To allow the United States of America 30 days from the filing of the amended
2 complaint to file its responsive pleading.
3

4 Dated August 15, 2022.

Dated August 15, 2022

5 **THE POWELL LAW FIRM**


JASON FRIERSON, United States Attorney

6 /s/ Tom W. Stewart
7 Tom W. Stewart (14280)
8 Attorneys for Plaintiff

/s/ Skyler H. Pearson
9 Skyler H. Pearson, Assistant United States Attorney
10 Attorneys for the United States

11 **ORDER**

12 **IT IS SO ORDERED.**

13 

14 **UNITED STATES DISTRICT JUDGE**

15 Dated: August 16, 2022